

APPENDIX FOR PETITIONER'S TITLE 28 U.S.C. §2241 MOTION

1: CV 00-1780

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PER Bjk
DEPUTY CLERK

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MEF:LRC:lrc
F#9101879
MILLIND.S2

EXHIBIT. A

#3
Super Super
Seding

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

GERALD MILLER, a/k/a
"Prince",
WILFREDO ARROYO, a/k/a
"C-Justice" and
"C.J.",
ROY HALE, a/k/a
"Pookie",
DAVID ROBINSON, a/k/a
"Bing",
SHANNON JIMENEZ,
HARRY HUNT, a/k/a "C" and
"Dready",
FABIO ARCINIEGAS, a/k/a
"Chico",
WAVERLY COLEMAN, a/k/a
"Teddy",
RONALD TUCKER,
CYNTHIA BROWN, a/k/a
"Bunny", and
RAYMOND ROBINSON, a/k/a
"Ace",

Defendants.

S U P E R S E D I N G
I N D I C T M E N T

Cr. No. 92 Cr. 91 (S-1) (RJD)
(T. 18, U.S.C., 1962(c),
1952(a), 1956(a), 1959, 2,
and 3551 et seq.; T. 21,
U.S.C., 846, 841(a)(1),
841(b)(1), 848(a), 848(b)
and 860)

THE GRAND JURY CHARGES:

INTRODUCTION TO ALL COUNTS

1. At all times relevant to this indictment, the SUPREME TEAM was an organization of individuals who associated together for the purpose of engaging in the business of narcotics trafficking. The primary goal of the SUPREME TEAM organization was to earn large amounts of money through trafficking in cocaine and cocaine base ("crack"), mainly in Jamaica, Queens, New York.



GLENN S. GOORD
COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
THE HARRIMAN STATE CAMPUS
1220 WASHINGTON AVENUE
ALBANY, N.Y. 12226-2050

(518) 457-4951

FAX (518) 457-7555*

*Not for service of papers.

EXHIBIT. B

ANTHONY J. ANNUCCI
DEPUTY COMMISSIONER and COUNSEL

October 26, 1998

Mr. Ronald Tucker
39032-053
FCI Allenwood
PO Box 2000
White Deer, PA 17887

Dear Mr. Tucker:

This is in response to your letter of October 5, 1998.

When an inmate is not in a New York State Correctional Facility at the time of his parole hearing, the hearing is postponed until the inmate is returned.

Since you were never returned, you never had a parole hearing.

A copy of your legal date computation is enclosed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane H. Holford".

Diane H. Holford
Coordinator
Office of Sentencing Review

DHH:vdr
Enclosure

10/20/99 10:58:50 RECEPTION/CLASSIFICATION SYSTEM *RCLASS* PAGE 001
LEGAL DATE COMPUTATION

TYPE 92 (UPDATE OF P.E., P.H. AND/OR T.A.C. INFO)

DIN: 90R0529 NAME: BURGESS, RONALD

NYSID: 5727835K

CURRENT LOCATION: - DISCH M E

DATE RECEIVED	1990 12 05		
MINIMUM TERM	001 08 00	TIME TO SERVE (MINIMUM)	001 05 13
MAXIMUM TERM	005 00 00	TIME TO SERVE (MAXIMUM)	004 09 13
JAIL TIME (DAYS)	0077	TIME OWED (MINIMUM)	
DATE SENTENCED		TIME OWED (MAXIMUM)	
ORIG. MAX. EXP. DATE		NET TIME OWED	
DATE DECLARED DELINQUENT		ADJUSTED MAX. EXP. DATE	
DATE RETURNED		CALCULATED MAX. EXP. DATE	
ORIG. DATE RECEIVED		PRIOR TIME CREDIT	
PAROLE JAIL TIME (DAYS)		MERIT TIME POSSIBLE	
DATE RELEASED		GOOD TIME POSSIBLE	001 08 00
DATE FAILED TO RETURN		FINAL RESULTS	
DATE ESCAPED		MERIT ELIGIBILITY DATE	
ORIG. PAR. ELIG. DATE		PAROLE ELIGIBILITY DATE	1992 05 17
OTHER STATE SENT. DATE		PAROLE HEARING DATE/TYPE	1992 03 INIT
DATE DISCHARGED		PAROLE HEARING RELEASE DATE	
DATE REAFFIRMED		MAXIMUM EXPIRATION DATE	1995 09 17
PAR. ELIG. DATE (INTERMED)		CONDITIONAL RELEASE DATE	1994 01 17
GOOD TIME ADJUSTMENT		T.A.C. DATE/TYPE	

REMARKS: SHOCK RECYCLE KICKOUT

DIST: IRC (1), GUI

EXHIBIT. B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EXHIBIT. C

UNITED STATES OF AMERICA
-VS-

JUDGMENT IN A CRIMINAL CASE

CASE NO.: CR 92-91(S-1)-10RONALD TUCKERCOUNSEL: LLOYD EPSTEIN, ESQ.

THE DEFENDANT:

X was found guilty on counts ONE (1), TWO (2) and NINE (9) OF THE SUPERSEDING INDICTMENT (S-1) after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

<u>Title/Section</u>	<u>Nature of Offense</u>	<u>Date concluded</u>	<u>Count #</u>
18 USC § 1962(c)	RACKETEERING	7/29/93	1
21 USC § 841(a)(1)	CONSPIRACY TO DISTRIBUTE AND POSSESSION WITH INTENT TO DISTRIBUTE COCAINE BASE	7/29/93	2
21 USC § 841(a)(1) and 841(b)(1)(A)	DISTRIBUTION OF COCAINE BASE	7/29/93	9

The deft is sentenced as provided in pgs. 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

X THE UNDERLYING INDICTMENT is dismissed on motion of A.U.S.A.
X It is ordered that the deft shall pay a special assessment of \$150.00 for counts ONE (1), TWO (2) and NINE (9) OF THE SUPERSEDING INDICTMENT (S-1).

IT IS FURTHER ORDERED that the deft shall notify the U.S. attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defts S.S. No. 053-66-9377Defts D.O.B. 3/11/69Defts USM No. 39032-053

Deft mailing address:

IN CUSTODY.APRIL 19, 1995

Date of imposition of sentence

Signature of Judicial Officer

RAYMOND J. DEARIE, U.S.D.J.
 Name/Title of Judicial Officer

A TRUE COPY ATTEST
 DATED 5-24-95
ROBERT C. HEINEMANN
 CLERK
 BY Alex Soric
 DEPUTY CLERK

Deft: RONALD TUCKER
Case Number: CR 92-91(S-1)-10

Judgment - Page 2 of 4

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of:
ONE HUNDRED SIXTY-EIGHT (168) MONTHS ON COUNTS ONE (1), TWO (2)
AND NINE (9) OF THE SUPERSEDING INDICTMENT (S-1) TO RUN
CONCURRENTLY.

_____ The defendant has orally waived his right to a Deportation Hearing or Exclusion proceeding. It is Ordered that the defendant be deported immediately.

_____ The Court makes the following recommendations to the Bureau of Prisons:

EXHIBIT. C

X _____ The defendant is remanded to the custody of the U.S. Marshal.

_____ The defendant shall surrender to the U.S. Marshal for this district.

_____ at _____ on _____
_____ as notified by the U.S. Marshal.

_____ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

_____ by _____
_____ as notified by the U.S. Marshal.
_____ as notified by the Probation Office.

RETURN

I have executed this judgment as follows: _____

Defendant delivered on _____ to _____
at _____ with a certified copy of
this judgment.

United States Marshal

By _____ Deputy Marshal

EXHIBIT. C

Deft: RONALD TUCKER

Judgment -Page 3 of 4

Case Number: CR 92-91(S-1)-10

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of FIVE (5) YEARS ON COUNTS ONE (1), TWO (2) AND NINE (9) OF SUPERSEDING INDICTMENT (S-1) TO RUN CONCURRENTLY.

While on supervised release, the defendant shall not commit another federal, state or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this Court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition, the defendant:

- shall not leave the judicial district without permission of the Court or probation officer.
- shall report to the probation officer as directed by the Court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- shall answer truthfully all inquiries by and follow the instructions of the probation officer.
- shall support his/her dependents and meet other family responsibilities.
- shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- shall notify the probation officer within 72 hrs of any change in residence or employment
- shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance or any paraphernalia related to such substances, except as prescribed by a physician.
- shall not frequent places where controlled substances are illegally sold, used, distributed or administered.
- shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- shall permit a probation officer to visit him/her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- shall notify the probation officer within 72 hrs of being arrested or questioned by a law enforcement officer.
- shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court.
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Deft: RONALD TUCKER
Case Number: CR 92-91(S-1)-10

Judgment -Page 4 of 4

STATEMENT OF REASONS

- The Court adopts the factual findings and guideline application in the presentence report.
 X The Court adopts the factual findings and guideline application in the presentence report except:

IN LIGHT OF THE AMENDMENT TO GUIDELINE 2D1.1, EFFECTIVE NOVEMBER 1, 1994, THE BASE OFFENSE LEVEL IN PARAGRAPH 69 IS 38. THE ADJUSTED OFFENSE LEVEL IN PARAGRAPH 74 IS 40. THE COURT FINDS THE DEFENDANT'S CRIMINAL HISTORY CATEGORY TO BE A LEVEL I. THE PROBATION DEPARTMENT IS DIRECTED TO AMEND PARAGRAPHS 69, 70, 74 AND 97 ACCORDINGLY.

Guideline Range Determined by the Court

Total Offense Level: 40

Criminal History Category: I

Imprisonment Range: 292 to 365

Supervised Release Range: 5 years

Fine Range: \$ to

 X Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ N/A

 Full restitution is not ordered for the following reason:

- The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by application of the guidelines.

OR

- The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons:

OR

- The sentence departs from the guideline range
 upon motion of the government pursuant to 5K1.1 of the Sentencing Guidelines, as a result of defendant's substantial assistance.
 X for the following reasons:

THE COURT WILL DOWNWARDLY DEPART PURSUANT TO 18 U.S.C. § 3553(b) FOR THE REASONS STATED ON THE RECORD.

EXHIBIT. C

EXHIBIT. D

ALMB3 542*22 *
 *PAGE 001 OF 001 *

SENTENCE MONITORING
 GOOD TIME DATA
 AS OF 08-04-1995

08-04-1995
 15:08:44

REGNO....: 39032-053 NAME: TUCKER, RONALD

ARS 1....: ALM A-DES

COMPUTATION NUMBER...: 010

LAST UPDATED: DATE.: 07-14-1995

UNIT.....: UNIT 1B

DATE COMP BEGINS....: 04-19-1995

TOTAL JAIL CREDIT...: 1182

CURRENT REL DT.....: 08-13-2005 SAT

PROJ SATISFACT DT...: 04-04-2004 SUN

ACTUAL SATISFACT DT.:

DAYS REMAINING.....:

FUNCTION.....: PRT

FACL...: ALM FUNC: AUTOMATIC

QUARTERS.....: 1B

COMP STATUS.....: COMPLETE

TOTAL INOP TIME.....: 0

EXPIRES FULL TERM DT: 01-22-2006

PROJ SATISF METHOD...: GCT REL

ACTUAL SATISF METHOD:

FINAL PUBLIC LAW DAYS:

-----GOOD CONDUCT TIME AWARDS-----

GOOD TIME ACTION DATE	SEQ NO	AWARDED DATE	MAX GCT POSSIBLE TO BE AWARDED	AWARDED AMOUNT
01-23-1993	1	06-13-1995	54	54
01-23-1994	1	06-13-1995	54	54
01-23-1995	1	06-13-1995	54	54
01-23-1996	1		54	
01-23-1997	1		54	
01-23-1998	1		54	
01-23-1999	1		54	
01-23-2000	1		54	
01-23-2001	1		54	
01-23-2002	1		54	
01-23-2003	1		54	
01-23-2004	1		54	
02-23-2004	1		10	

TOTAL AWARDED AMOUNT.....: 162
 TOTAL AWARDED AND PROJECTED AMOUNT.....: 658

EXHIBIT. D

* ALMB8 540*23 *	SENTENCE MONITORING	*	08-04-1995
PAGE 001 *	COMPUTATION DATA	*	15:07:28
	AS OF 08-04-1995		

REGNO.: 39032-053 NAME: TUCKER, RONALD

FBI NO.....: 306682MA3	DATE OF BIRTH: 03-11-1969
ARS1.....: ALM/A-DES	
UNIT.....: UNIT 1B	QUARTERS.....: 1B
DET/NOTIF RMK.....: NO	NOTIFICATIONS: NO

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
 THE INMATE IS PROJECTED FOR RELEASE: 04-04-2004 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: NEW YORK, EASTERN DISTRICT
 DOCKET NUMBER.....: CR92-91(S-1)-10
 JUDGE.....: DEARIE
 DATE SENTENCED/PROBATION IMPOSED: 04-19-1995
 DATE COMMITTED.....: 06-08-1995
 HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
 PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$150.00	\$0.00	\$0.00	\$0.00
RESTITUTION...: PROPERTY: NO		SERVICES: NO		AMOUNT: \$0.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE.....: 545
 OFF/CHG: RACKETEERING 18:1962(C); CONSPIRACY TO DISTRIBUTE AND
 POSSESSION WITH INTENT TO DISTRIBUTE COCAINE BASE 21:841(A)(1)
 DISTRIBUTION OF COCAINE BASE 21:841(A)(1) AND 841(B)(1)(A)

SENTENCE PROCEDURE.....: 3559 SRA SENTENCE
 SENTENCE IMPOSED/TIME TO SERVE.: 168 MONTHS
 TERM OF SUPERVISION.....: 5 YEARS
 DATE OF OFFENSE.....: 07-29-1993

EXHIBIT. D

ALMB8 540*23 *
PAGE 002 OF 002 *

SENTENCE MONITORING
COMPUTATION DATA
AS OF 08-04-1995

* 08-04-1995
* 15:07:28

REGNO.: 39032-053 NAME: TUCKER, RONALD

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 07-14-1995 AT ALM AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 04-19-1995
TOTAL TERM IN EFFECT.....: 168 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 14 YEARS

JAIL CREDIT.....:	FROM DATE	THRU DATE
	01-23-1992	04-18-1995

TOTAL PRIOR CREDIT TIME.....: 1182
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT POSSIBLE.....: 658
TOTAL GCT AWARDED.....: 162
STATUTORY RELEASE DATE (CURRENT): 08-13-2005
SIX MONTH /10% DATE.....: 10-04-2003
EXPIRATION FULL TERM DATE.....: 01-22-2006
SUPERVISION TERMINATION DATE.....: 04-03-2009

PROJECTED SATISFACTION DATE.....: 04-04-2004
PROJECTED SATISFACTION METHOD....: GCT REL

EXHIBIT. E

BP-S148.070 INMATE REQUEST TO STAFF MEMBER CORAM

APR 94

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

DATE

1-21-98

TO:

RECORDS DEPT. ISM.

(Name and title of Officer)

SUBJECT: State completely but briefly the problem on which you desire assistance and what you think should be done (Give details).

I AM REQUESTING A CREDIT FOR TIME THAT WAS NOT ADDED FOR MY SENTENCING COMPUTATION. I HAVE BEEN CONTINUOUSLY INCARCERATED SINCE SEPTEMBER 19, 1990. IN JANUARY 1992, I WAS BROUGHT VIA WRIT FROM STATE CUSTODY TO FEDERAL CUSTODY. MY STATE CHARGES WERE INCLUDED IN THE FEDERAL INDICTMENT. I HAVE NOT BEEN GIVEN CREDIT FOR THE SIXTEEN MONTHS I SPENT IN STATE CUSTODY, FOR THE SAME CRIME I WAS CONVICTED OF BY THE FEDERAL GOVERNMENT. THE CREDIT I AM SEEKING IS FROM SEPT 19, 1990 TO JANUARY 23, 1992.

(Use other side of page if more space is needed)

NAME: RONALD TUCKERNo.: 3A032-053Work Assignment: COMMISSARYUnit: 3A

NOTE: If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently. You will be interviewed, if necessary, in order to satisfactorily handle your request. Your failure to specifically state your problem may result in no action being taken.

DISPOSITION: (Do not write in this space)

DATE 02-03-98

The time that you are requesting credit for, 09-19-90 to 01-23-92 has already been credited to your state term, from which you were paroled on 01-23-92. Your PSI indicates that you were in a work release program, under the control and supervision of the New York State Division of Parole, at the time of your arrest on 01-23-92, for the instant offense. Any consideration for the state charge being related to the instant federal offense should have been granted by the court, reflected in your sentencing. Your Judgment and Commitment Order does indicate a downward departure under 18:3553(b), sentencing guidelines.

Carol J. Coffey
Carol J. Coffey, LIE

Officer

EXHIBIT. F

ALM 1330.13B
Attachment 1

INFORMAL RESOLUTION ATTEMPT

In accordance with Program Statement 1330.13, Administrative Remedy Procedures for Inmates. This form will serve as documentation by the respective staff member and his/her unit manager to indicate an informal attempt to resolve the complaint of the following inmate. Inmates are NOT to complete this form.

NAME: Ronald Tucker REG. NO. 39032-053

DATE FORM INITIATED: 2-8-98 STAFF: Chris McConnell 3A
Date Name Unit

A BP-229 (13) WILL NOT BE ACCEPTED WITHOUT THIS COMPLETED FORM ATTACHED

1. Nature of complaint (to be completed by staff):

I am requesting a credit for time that was not added to my sentencing computation. I have been continuously incarcerated from Sept. 19, 1990 to January 23, 1992. I was brought via writ from state custody to federal custody. This is part of my instant offense and I was never paroled from state.

2. I have read the complaint above as written by Unit Staff and agree it is accurate.

Ronald Tucker 2-8-98
Inmate's Signature Date

3. Staff Member Assigned to Respond by U/NI: Case MGR - 3A

4. Efforts Made to Resolve the Problem: Please see attached.

5. Applicable Program Statement Used in this Informal Resolution Attempt: None

6. Inmate's Response to Informal Remedy Attempt: _____

Prepared by: [Signature]

Reviewed by: [Signature]

Original Returned to Inmate (Date): 2-19-98

EXHIBIT. G

RESPONSE TO INFORMAL RESOLUTION ATTEMPT

TO: Tucker, Ronald
Reg. No. 39032-053

- 4. Officials at the State of New York, Department of Correctional Services, verified that you had not been paroled. You were furloughed from Fulton Correctional Facility on January 23, 1992, to a work release program. You were to be reviewed for parole in March 1992. You never had a parole review and maxed out on the state sentence on September 17, 1995.**

Accordingly, your computation has been adjusted to reflect a new date sentence began, as the federal judgment is silent, and all the jail credit you had (from January 23, 1992, thru April 18, 1995) was removed.

ALMB8 540*23 *
 PAGE 001 *

SENTENCE MONITORING
 COMPUTATION DATA
 AS OF 02-05-1998

* 02-05-1998
 * 15:56:37

REGNO...: 39032-053 NAME: TUCKER, RONALD

FBI NO.....: 306682MA3
 ARS1.....: ALM/A-DES
 UNIT.....: UNIT 3A
 DET/NOTIF RMK.....: NO

DATE OF BIRTH: 03-11-1969

QUARTERS.....: 3A
 NOTIFICATIONS: NO

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
 THE INMATE IS PROJECTED FOR RELEASE: 11-28-2007 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: NEW YORK, EASTERN DISTRICT
 DOCKET NUMBER.....: CR92-91(S-1)-10
 JUDGE.....: DEARIE
 DATE SENTENCED/PROBATION IMPOSED: 04-19-1995
 DATE COMMITTED.....: 06-08-1995
 HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
 PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..:	\$150.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE.....: 545
 OFF/CHG: RACKETEERING 18:1962(C); CONSPIRACY TO DISTRIBUTE AND
 POSSESSION WITH INTENT TO DISTRIBUTE COCAINE BASE 21:841(A) (1)
 DISTRIBUTION OF COCAINE BASE 21:841(A) (1) AND 841(B) (1) (A)

SENTENCE PROCEDURE.....: 3559 SRA SENTENCE
 SENTENCE IMPOSED/TIME TO SERVE..: 168 MONTHS
 TERM OF SUPERVISION.....: 5 YEARS
 DATE OF OFFENSE.....: 07-29-1993

EXHIBIT. H

G0002

MORE PAGES TO FOLLOW . . .

ALMB8 540*23 *
 PAGE 002 OF 002 *

SENTENCE MONITORING
 COMPUTATION DATA
 AS OF 02-05-1998

* 02-05-1998
 * 15:56:37

REGNO...: 39032-053 NAME: TUCKER, RONALD

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 02-05-1998 AT ALM AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
 CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 09-17-1995
 TOTAL TERM IN EFFECT.....: 168 MONTHS
 TOTAL TERM IN EFFECT CONVERTED...: 14 YEARS

TOTAL PRIOR CREDIT TIME.....: 0
 TOTAL INOPERATIVE TIME.....: 0
 TOTAL GCT POSSIBLE.....: 658
 TOTAL GCT AWARDED.....: 108
 STATUTORY RELEASE DATE (CURRENT): 05-31-2009
 SIX MONTH /10% DATE.....: 05-28-2007
 EXPIRATION FULL TERM DATE.....: 09-16-2009

PROJECTED SATISFACTION DATE.....: 11-28-2007

PROJECTED SATISFACTION METHOD....: GCT REL

REMARKS.....: COMPUTATION UPDATED 02-05-98 TO REFLECT CORRECT DATE SENTENCE
 BEGAN AND REMOVE JAIL CREDIT - NY STATE TERM EXPIRED 09-17-95.

EXHIBIT. H

*See me at open house
 on Tuesday or
 Thursday*

11:30 - 12:30

if you have questions.

Mrs. Coffey

G0000

TRANSACTION SUCCESSFULLY COMPLETED

ALMB8 542*22 *
PAGE 001 OF 001 *

SENTENCE MONITORING
GOOD TIME DATA
AS OF 02-05-1998

* 02-05-1998
* 15:56:38

REGNO....: 39032-053 NAME: TUCKER, RONALD

ARS 1....: ALM A-DES

COMPUTATION NUMBER...: 010

LAST UPDATED: DATE.: 02-05-1998

UNIT.....: UNIT 3A

DATE COMP BEGINS....: 09-17-1995

TOTAL JAIL CREDIT....: 0

CURRENT REL DT.....: 05-31-2009 SUN

PROJ SATISFACT DT....: 11-28-2007 WED

ACTUAL SATISFACT DT.:

DAYS REMAINING.....:

SRA

FUNC...: PRT ACT DT:

FACL...: ALM CALC: AUTOMATIC

QUARTERS.....: 3A

COMP STATUS.....: COMPLETE

TOTAL INOP TIME.....: 0

EXPIRES FULL TERM DT: 09-16-2009

PROJ SATISF METHOD...: GCT REL

ACTUAL SATISF METHOD:

FINAL PUBLIC LAW DAYS:

-----GOOD CONDUCT TIME AWARDS-----

START DATE	STOP DATE	MAX DIS	POSSIBLE TO FFT	ACTUAL TOTALS DIS FFT	VESTED AMOUNT	VESTED DATE
09-17-1995	09-16-1996	54	0		54	10-01-1996
09-17-1996	09-16-1997	54	0		54	10-01-1997
09-17-1997	09-16-1998	54				
09-17-1998	09-16-1999	54				
09-17-1999	09-16-2000	54				
09-17-2000	09-16-2001	54				
09-17-2001	09-16-2002	54				
09-17-2002	09-16-2003	54				
09-17-2003	09-16-2004	54				
09-17-2004	09-16-2005	54				
09-17-2005	09-16-2006	54				
09-17-2006	09-16-2007	54				
09-17-2007	11-28-2007	10				

TOTAL AWARDED AMOUNT.....: 108
TOTAL AWARDED AND PROJECTED AMOUNT.....: 658

EXHIBIT. H

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

UNICOR FEDERAL PRISON INDUSTRIES INC.
LEAVENWORTH KANSAS

Sentence Credit

EXHIBIT - I

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: TUCKER RONALD E 3A032-053 3A F.C.I. ALLENWOOD
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST ON JANUARY 21, 1998 I REQUESTED FROM THE RECORDS DEPT, 16 MONTHS
 JAIL TIME CREDIT FOR TIME I DID IN STATE CUSTODY ON A RELATED CASE. I WAS TOLD
 THAT ONLY THE COURT THAT SENTENCED ME COULD CONSIDER GIVING ME JAIL CREDIT FOR
 THE TIME I AM SEEKING... AFTER AN INFORMAL RESOLUTION ATTEMPT, I WAS
 INFORMED THAT ALL OF THE JAIL CREDIT TIME THAT I HAD RECEIVED FROM
 JANUARY 23, 1992 THRU "APRIL 18, 1995" (9-17-95) WAS REMOVED. BECAUSE I WAS NEVER
 RETURNED TO STATE CUSTODY, THEREFORE I HAVE BEEN DOING STATE TIME IN A FEDERAL
 FACILITY, (FOR 3 1/3 YEARS). I WAS BROUGHT TO THE FEDS VIA WRIT IN JANUARY OF
 92, I WAS IN A WORK RELEASE PROGRAM AT THE TIME AND WAS SCHEDULED FOR A
 PAROLE REVIEW TWO MONTHS LATER IN MARCH OF 1992. I NEVER HAD THE PAROLE
 REVIEW BECAUSE I WAS IN FEDERAL CUSTODY. I AM SEEKING THE SIXTEEN MONTHS
 CREDIT THAT I ORIGINALLY SOUGHT, AS WELL AS THE JAIL CREDIT THAT WAS DELETED
FEB 26, 1998 FROM JAN 23, 1992 - SEPT 17, 1995 RONALD TUCKER
 DATE SIGNATURE OF REQUESTER

Part B- RESPONSE

RESPONSE ATTACHED

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

CASE NUMBER:

153406-F1

Part C- RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG NO

UNIT

INSTITUTION

EXHIBIT. J

REQUEST FOR ADMINISTRATIVE REMEDY

TUCKER, Ronald
Reg. No.: 34032-053
Remedy ID: 153406-F1

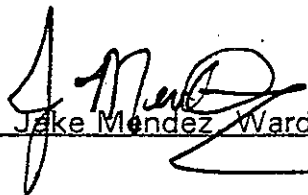
RESPONSE: This is in response to your Request for Administrative Remedy, receipted February 26, 1998, in which you request that you be given 16 months "jail credit" toward your federal sentence for time spent in state custody for a related case.

A review of your custody status reveals that you were arrested on state charges on September 19, 1990, by the Queens County, New York Police Department. You were sentenced by the state of New York to 20 months incarceration on November 20, 1990. On January 23, 1992, the U. S. Marshals Service assumed custody pursuant to a federal writ ad prosequendum. You were sentenced on April 19, 1995, in the U. S. District Court, Eastern District of New York to 168 months imprisonment. You completed your New York state sentence completely on September 17, 1995.

According to Title 18 USC 3584, "Multiple terms of imprisonment imposed at different times run consecutively unless the court orders the terms to run concurrently." Your federal sentence cannot begin to run until you complete your state sentence. In your case, the state sentence terminated on September 17, 1995.

Since you were in primary state custody serving a state sentence, you are not eligible to receive any credit toward your federal sentence for time spent while on a federal writ. We are precluded from awarding you further credit for the time spent while on a writ from the state of New York as your state sentence was still "running." This would result in double credit, which is contrary to the intent of Title 18 USC 3585. You were inadvertently designated to a federal facility to begin service of your federal sentence while on writ from the state of New York. A letter explaining the situation regarding these circumstances involving your case will be forwarded to the U. S. Attorney's Office in Brooklyn, New York for consideration to have your federal sentence ordered to run concurrently to your state sentence rather than consecutive.

March 11, 1998



Jake Mendez, Warden

EXHIBIT. K

Ronald Tucker 39032-053
F.C.I. Allenwood-m
P.O. Box 2000
White Deer, Pa 17887
February 27, 1998

Honorable Raymond J. Dearie
District Judge
225 Cadman Plaza East
Brooklyn, New York 11201

Re: U.S. v Miller (Tucker)
Cr. No. 92-91(S-1)-09(RJD)

Dear Judge Dearie,

This is a resolutorial attempt to rectify the error which recently arrived here at the Allenwood Federal Correctional Institution (FCI), in White Deer, Pa regarding the appropriate detention time need be credited toward my federal sentence.

Notwithstanding, In September 1990 I was sentenced to a 20 month to five year term of imprisonment in New York State for criminal sale of a controlled substance 3°.

On January 23, 1992 I was removed from the state correctional facility at Fulton Work Release, and placed into federal custody; via writ ad prosequendum by the U.S. Marshall to answer to federal charges where I was later given an 168 month sentence to same on April 19, 1995 and have been in said custody since. The state and federal charges are related inasmuch as the state offense was later named in the federal superseding indictment.

However, I've been incarcerated a total of eight(8) years, six(6) of which have been spent in federal custody, but the administration here at F.C.I. Allenwood is now advising me that I can [only] be credited 2½ years toward my federal sentence because my state sentence expired in September 17, 1995 while I was still in federal custody. The administration here basis this analysis on the fact that I was never returned to state custody, and because the federal sentencing record is [silent] with whether the state and federal sentence is to run concurrent.

Pursuant to my April 19, 1995 sentencing record; however, it can reasonably be presumed that my state and federal sentence was ran concurrent within meaning set forth in U.S.S.G. §5G1.3(b) and therefore my full detention time should be credited where it was determined that my prior state conviction could not be used to compute my criminal history points, because they were related in nature. See e.g. (April 19, 1995 record at 2-3 attached hereto)

Assuming for the sake of arguendo that the [record is silent], it is respectfully requested for this court to rectify the record and make it clear that both state and federal sentences are to run concurrent, and that the Bureau of Prisons should credit me the full six(6) years I've been in federal custody on writ from the state toward my federal sentence.

EXHIBIT. K

(2)

Moreover the consequences in failing to return me back to state custody should not be placed on me, but instead on the inadvertance of the Marshall, State and Federal administration(s) and therefore said federal custody should be credited toward my current sentence.

See, e.g. Brown V. Perrill 21 F3d 1008(10th cir. 1994) Brown V. Perrill 28 F.3d 1073 (10th cir. 1994) ('holding that period commencing on date state authorities surrendered defendant to federal authorities to stand trial on conspiracy case ,until state sentenced expired, was required to be credited against sentenced imposed...)).

I will await patiently for your reply.
Thank you for your cooperation in the disclosure process

Sincerely,

Ronald Tucker

Ronald Tucker

** Please note that this application is not intended to be construed as a motion under §28U.S.C.2255. If so, withdraw without prejudice.



Federal Bureau of Prisons

*Federal Correctional Institution
Allenwood Medium*

EXHIBIT. L

P.O. Box 2500
White Deer, PA 17887-2500

March 12, 1998

Leslie Caldwell
Assistant United States Attorney
Eastern District of New York
225 Camden Plaza E.
Brooklyn, New York 11201

RE: TUCKER, Ronald
Reg. No.: 39032-053
Docket #: CR 92-91(S-1)-10

Dear Ms. Caldwell:

The above named individual was sentenced by the Honorable Raymond J. Dearie, United States District Court, Eastern District of New York, on April 19, 1995, to an aggregate term of 168 months. He was sentenced for the offenses of 18:1962(c) Racketeering, 21:841(a)(1) Conspiracy to Distribute and Possession With Intent to Distribute Cocaine Base, and 21:841(a)(1) and 841(b)(1)(A) Distribution of Cocaine Base.

During the time that Mr. Tucker's trial was in progress, he was serving a state sentence with the New York State Department of Corrections for Criminal Sale of Controlled Substance and Violation of Probation. As a result Mr. Tucker was writted from the state. Upon completion of sentencing on his federal charges, Mr. Tucker was inadvertently designated to a federal facility to begin service of his federal sentence. He should have been returned to state authorities for completion of his state sentence.

According to Title 18 USC 3584 "Multiple terms of imprisonment imposed at different times run consecutively unless the court orders that the terms are to run concurrently." Mr. Tucker's federal sentence was erroneously started before being released from his state sentence. Due to the time frame involved before the error was realized, and the fact that the state sentence has expired, we are asking if the court has any objection to his federal sentence running concurrently with the state sentence in place at the time of sentencing.

If you have any questions or concerns, please feel free to contact Mrs. Lana Klopf, Inmate Systems Manager, at (717) 547-7950.

Sincerely,

Jake Mendez
Warden

EXHIBIT. L

EXHIBIT. M

Federal Bureau of Prisons

Tucker, Ronald E

Part A--REASON FOR APPEAL --On January 23,1992, while serving a state sentenced(20 months)that was imposed on Nov.20,1990 I was taken by U.S. Marshalls via writ of habeas corpus and placed into federal custody to answer to federal charges,where I was later given an 168 month sentence to same.I was never returned to state custody because of this inadvertence on the part of the U.S.Marshalls,B.O.P. etc.I have been denied due process. My entire state sentence was allowed to expire while I have been in federal custody.I was told by the records office(I.S.M.),that a letter would be sent to the U.S.Attorney's office asking"that my federal sentence be ordered to run concurrently to my state sentence due to the fact that I was inadvertently detained and sent to a federal facility while on writ from the state of New York". However,I never received a copy of said letter(attached hereto, dated March 12,1998)and was told by Linda J. Coffey, LIE (I.S.M.) that the letter was not sent to the U.S. Attorney because she needs permission from the regional office, and she has still not received a response from the regional office. I was originally given credit for the time that I have been in Federal custody,but my computation has been adjusted to reflect a new sentence began'. Accordingly,18 U.S.C. 3568 states"a prisoners sentence must be credited with any days spent in custody in connection with the offense or offenses for which the sentence was imposed".I request jail credit to be reinstated.

April 6, 1998

DATE _____

SIGNATURE OF REQUESTER

Part B—RESPONSE

DATE _____

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

Part C—RECEIPT

CASE NUMBER: _____

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT:

EXHIBIT. N

Tucker, Ronald
Reg. No. 39032-053
Appeal No. 153406-R1
Page One

Part B - Response

In your appeal, you challenge the decision by the Warden at FCI Allenwood to deny you prior custody credit towards your present sentence for time in official detention from January 23, 1992, through April 18, 1995. You are also seeking credit toward your federal sentence from April 19, 1995, through September 16, 1995. You claim you should receive this credit because you were mistakenly kept in federal custody upon satisfaction of your state writ.

Our records show the following. On September 19, 1990, you were arrested by officers of the Queens County Police Department in New York for Criminal Sale of Controlled Substance. You remained in continuous state custody. On November 20, 1990, you were sentenced in the Supreme Court in Queens County to a 20-month term of imprisonment. At the time of your sentencing, this offense was merged with your violation of probation.

On January 23, 1992, while in service of your state sentence, the United States Marshals removed you from the State of New York via a Federal Writ of Habeas Corpus Ad Prosequendum to answer federal charges. On April 19, 1995, you were sentenced in the United States District Court in the Eastern District of New York to an 168-month term of imprisonment for Racketeering; Conspiracy to Distribute and Possession with Intent to Distribute Cocaine Base; and Distribution of Cocaine. The court ordered your sentence to run concurrently on all counts. At the time of federal sentencing, the federal court did not stipulate how your federal sentence was to run in conjunction with the state sentence you were serving.

Once your federal ^{writ} sentence was satisfied, you should have been returned to the state. However, the United States Marshals requested designation in error and you were designated to a federal institution. You arrived at FCI Allenwood on June 8, 1995. Upon an investigation conducted by staff at FCI Allenwood, it was determined that the you were still a state prisoner who had been removed from the State of New York via a federal writ. The state was contacted and confirmed that you should have been

(Continued on Page Two)

EXHIBIT. N

Tucker, Ronald
Reg. No. 39032-053
Appeal No. 153406-R1
Page Two

returned to the state. Your state sentence expired while you were in federal custody on September 17, 1995.

The state confirmed that you have received presentence credit from ~~March~~^{September} 19, 1990, through December 4, 1990. Your state sentence commenced on December 5, 1990. All time spent in custody from January 23, 1992, through September 17, 1995, was credited towards your state sentence. Your federal sentence commenced on September 17, 1995, the date you completed your state sentence. You have a scheduled release date of November 28, 2007.

The federal statute which governs prior custody credit for federal sentences is 18 U.S.C. § 3585(b), which provides: "A defendant shall be given credit toward the service of a term of imprisonment for any time he has spent in official detention prior to the date the sentence commences --- (1) as a result of the offense for which the sentence was imposed; or (2) as a result of any other charge for which the defendant was arrested after the commission of the offense for which the sentence was imposed; that has not been credited towards another sentence." The period of time you are requesting from January 23, 1992, through September 16, 1995, was time spent in service of your state sentence and was credited towards that state sentence. Under § 3585(b), this same period cannot be credited towards your federal sentence.

In fairness to you, since the Judgment and Commitment Order did not specify whether your federal sentence was to run consecutively or concurrently with the state term, the institution has written the federal sentencing court to see if the court wished your federal sentence to be concurrent with the state term. If the federal court so wishes, your federal sentence would commence on the date of imposition (April 19, 1995) or a date thereafter specified by the court. Once the Court's intent is known, the institution will advise you of their decision and if necessary recompute your sentence computation. Your sentence has been correctly computed. Accordingly, your appeal is denied.

(Continued on Page Three)

EXHIBIT. N

Tucker, Ronald
Reg. No. 39032-053
Appeal No. 153406-R1
Page Three

If you are dissatisfied with this response, you may appeal the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W. Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: //

DAVID M. RARDIN
Regional Director

EXHIBIT. P

5-20-98 Credit on Sentence CC
Central Office Administrative Remedy Appeal

U.S. Department of Justice

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments must be submitted with this appeal.

From: <u>Tucker Ronald E</u>	<u>39032-053</u>	<u>3A</u>	<u>F.C.I. Allenwood</u>
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

Part A--REASON FOR APPEAL Officials here at F.C.I. Allenwood have repeatedly led me to believe that a letter was forwarded to the A.U.S.A regarding their "inadvertence" in not returning me to "state" authorities, once my federal writ had been satisfied. (see attachment letter) Because of this so called inadvertence on the part of the B.O.P. , all jail credit I had from January 23,1992 through April 18, 1995 was removed and my projected release date was changed from April 2004 to November 2007. I was denied my due process by not being able to have a parole review in the state of New York (because I was being detained by the federal gov't), And had not the federal gov't intervened in my state sentence , I would have been paroled from the state in May 1992- As I was already in a work-release program (under the supervision of the New York State Department of Parole) at the time I was taken into federal custody via writ dated January 23,1992. After said federal writ had been satisfied (three and one half years later) I was never returned to state custody. It is my contention , that I was intentionally not returned to state custody once the federal writ had been satisfied, for I was constantly told (by the unit team, here at F.C.I. Allenwood) that "there are no detainers lodged against me." I have been in the custody of the federal government since January 23,1992. The consequences in failing to return me back to state custody should not be placed on me, but instead on the "inadvertence of the B.O.P., U.S. Marshalls, State and Federal authorities and therefore said federal custody should be reinstated toward my current sentence.

MAY 27,1998

DATE


SIGNATURE OF REQUESTER

Part B--RESPONSE

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

Part C--RECEIPT

CASE NUMBER: _____

Return to: _____

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

EXHIBIT

(Continued)

The Records Office has written a letter to the sentencing court, asking that my federal sentence be ran concurrent with my state sentence, however the letter was never forwarded for reasons unknown.

Pursuant to my April 19,1995 sentencing record, however, it can be reasonably be presumed that my state and federal sentence was ran concurrent within meaning set forth in U.S.S.G.-5G1.3(b) and therefore my full detention time should be credited where it was determined that my prior state conviction could not be used to compute my criminal history points, as they were related in nature. See e.g. (April 19,1995 record at 2-3 attached hereto)

In Kayfez v. Gasele 993 F.2d 1288 it states "postconviction prisoner serving concurrent state and federal sentences was entitled to credit against his federal sentence for all of his presentence incarceration even though time had already been credited against state sentence. Since defendants sentences were concurrent, crediting only against state sentence would not reduce his actual period of incarceration".

The Bureau looks at the full "raw" term of a concurrent sentence and points out that five(5) years from September 19,1990 will expire September 17,1995 ; but it is true that my actual imprisonment under the state sentence is considerably shorter. My state sentence, under New York State rules, would have expired in May 1992- Had I been in state custody. It is true indeed that had I stayed in state custody, I would not have done the full "raw" term of my state sentence; Instead , it is suffice to say that I would have been paroled when my minimum (20 months) was served, which would have been May 1992.

In Brown v. Perrill 21 F.3d 1008 (10th Cir.1994) it states "interval commencing on date state authorities released defendant to federal authorities, so that he could stand trial on charges of conspiracy to distribute heroine, and ending on the day his state sentence expired was required to be credited against defendants sentence following his conviction on that charge even though it was claimed that state had given defendant credit for that period against state sentence, and that granting in federal credit would result in "double counting";

Federal statute mandated credit for time spent in custody in connection with offense for which sentence was imposed, and states crediting of time was irrelevant. 18 U.S.C 3568. " It should be noted , that the credit that I am asking for (January 23,1992 through April 18 1995) was originally credited to my federal sentence. It wasn't until I asked that my state jail time to be ran concurrent with my federal sentence, that all of my jail credit was removed. Up until February 5,1998 I was credited for the jail time I am seeking. On February 5,1998 my jail credit was removed.

There appears to be no doubt that the Federal District court that sentenced appellant, granted him the disputed 562 days of jail time credit. We can find no authority justifying the subsequent deduction of that time by the prison administration regardless of the procedural safeguards employed by the prison. The reduction of such jail time is not within the discretionary powers of the prison, but more properly lies with the sentencing court. (emphasis added Brown v. Perrill (supra)

I respectfully request for my jail credit time (January 23,1992 through April 18,1995) One thousand one hundred and eighty-two days, 1182 days) that was removed from my sentence computation on February 5,1998 ,be reinstated.

Let me also reiterate the fact that I was never returned to state authorities, once the federal writ was satisfied. In Brown v. Perrill 28 F.3d 1073 it states although the opinion in "Hernandez"(citation omitted) is silent on this point, it appears that Hernandez was 'on loan' under the writ for only the time necessary to sentence him. This short duration is typical of all cases cited by appellees and numerous other cases reviewed by this court. However, in the case presented herein, appellant was in federal prison, pursuant to a federal writ, for over a year and a half, before he was released by the federal court on bond, and he was not even tried for his federal crimes for an additional seven months. Thus he was in federal control for over two years."

I was on writ from the state of New York for eighteen months before I was tried and convicted by federal authorities. I remained in federal custody for another twenty-two(22) months before I was sentenced. I have been in federal custody now for seventy-seven(77) months and still have not been returned to the state.

...We recognize that our holding is fact specific and we are unwilling to announce a per se rule as to how long a state may be on "loan" to federal authorities without the authorities taking custody of the prisoner. Suffice it to say that absent a clear directive from the state authorities the nineteen month detention by appellees constitutes "federal custody"

EXHIBIT. Q

Administrative Remedy No. 153406-A1
Part B - Response

You are appealing the Regional Director's denial of your request that you receive credit for time spent in federal custody while your state sentence was continuing to run.

We concur with the response you received from the Regional Director. All credit applicable to your federal sentence at this time has been appropriately applied. As stated in the Regional Director's response, the institution has written a letter to the federal sentencing court to determine if the court wishes to run your federal sentence concurrent with your state sentence instead of consecutive. Once a response from the court is received, you will be advised of the results by the institution. Currently, your federal sentence has been computed according to federal statute and Federal Bureau of Prisons' policy. Your appeal is denied.

7-22-98
DATE

Wendy J. Road
WENDY J. ROAD, ADMINISTRATOR
NATIONAL INMATE APPEALS

EXHIBIT. R

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)
)
) PRESENTENCE INVESTIGATION REPORT
)
RONALD EDWARD TUCKER) DOCKET NO. 92-CR-91 (S-1)-09

Prepared for: THE HONORABLE RAYMOND J. DEARIE
 U. S. District Judge

Prepared by: MADELINE HART
 Senior U. S. Probation Officer

Assistant U. S. Attorney
Leslie Caldwell, Esq.

Defense Counsel
Joel Walters, Esq.
67 Atlantic Avenue
Brooklyn, NY 11201
(718) 237-2900

Sentence Date: August 10, 1994 @ 9:30 a.m.

Offense: Ct. 1: 18 USC 1962 RICO: TRAFFICKING IN NARCOTICS, a
 Class A Felony.
 Ct. 2: 21 USC 841(a)(1): CONSPIRACY TO DISTRIBUTE
 COCAINE BASE, a Class A Felony.
 Ct. 9: 21 USC 841(b)(1)(A): DISTRIBUTION OF COCAINE
 BASE, a Class A Felony.

Arrest Date: January 23, 1992

Release Status: In custody since date of arrest.

Detainers: New York State Department of Corrections

Other Defendants: See page 2

Date Report Prepared: June 15, 1994



EXHIBIT S

U.S. Department of Justice

Federal Bureau of Prisons

Federal Correctional Institution

Allenwood Medium

P.O. Box 2500

White Deer, PA 17887-2500

February 29, 2000

Honorable Judge Raymond J. Dearie
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

Re: TUCKER, Ronald
Register Number: 39032-053
Docket Number: CR 92-92(S-1)-10

Dear Judge Dearie:

The purpose of this letter is to seek clarification regarding the sentence which you imposed in the above referenced case. As you may recall, on April 19, 1995, you sentenced Ronald Tucker to a 168 month sentence for Racketeering, in violation of 18 U.S.C. § 1962(c); Conspiracy To Distribute And Possession With Intent To Distribute Cocaine Base, in violation of 21 U.S.C. § 841(a)(1); and Distribution of Cocaine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A). In addition to the Federal sentence, inmate Tucker was also sentenced to twenty months to five years by the Supreme Court of New York, Queens Division for Criminal Sale of a Controlled Substance and Parole Violation.

The issue in this case arose when inmate Tucker was transferred to Federal custody on January 23, 1992 pursuant to a Writ of Habeas Corpus Ad Prosequendum. Upon the trial's conclusion, however, inmate Tucker was designated to a Federal facility instead of being returned to the state authorities. Nevertheless, the state of New York had primary jurisdiction because they arrested inmate Tucker two months earlier than Federal agents. Therefore, his state sentence began to run immediately upon its imposition on November 20, 1990.

Because the Federal sentence was silent as to concurrency, it was initially computed as a consecutive sentence pursuant to 18 U.S.C. § 3584(Multiple terms of imprisonment run consecutively unless otherwise indicated by the Court). As such, his Federal

3/6/00
Forwarded copies to
US Atty & counsel
So ordered
Ray Dearie
1/25/00
Docket & Fee
S File

EXHIBIT. S

sentenced commenced on September 17, 1995, the date his state sentence expired.

Due to an administrative error, however, inmate Tucker was designated to a Federal facility immediately following his April 19, 1995 sentencing. In order to rectify this oversight, the Bureau of Prison will compute the state and Federal sentences as running concurrent and designate this status nunc pro tunc to the date the Federal sentence was imposed. This would have the effect of commencing his Federal sentence on April 19, 1995 instead of September 17, 1995 (approximately 5 months). His projected release date of December 10, 2007 would be moved to no earlier than July 10, 2007.

Please contact me if you object to this calculation, or if it contrary to your intent at (570) 547-7950, extension 5116.

Respectfully submitted,

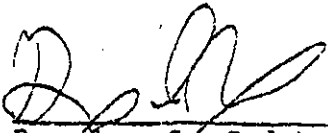

Douglas S. Goldring
Attorney
FCI-Allenwood

EXHIBIT. R

25

Educational and Vocational Skills

104. The probation department for Queens County previously verified that the defendant acquired a GED in 1987 during his first period of incarceration.
105. A transcript of high school records provided by Thomas Edison Technical and Vocational High School in Jamaica, New York, verified that the defendant was discharged from that school in March, 1987. He had entered secondary school in September, 1983 and was expected to graduate in June, 1987. His incarceration prevented his completion of high school.

Employment Record

106. According to the defendant, in January 1992, when he was arrested for the instant offense, he had just begun working for Lynn Starr Productions at 1775 Broadway in New York City. He stated that he was doing clerical work in the office at a rate of pay of \$225 per week, off the books. Previously, from the time he commenced the New York State Department of Corrections Work Release program in October, 1991, until he was hired by Lynn Starr in January, 1992, he was looking for work. His job seeking efforts followed 13 continuous months at the Ulster Correctional Facility in upstate New York.
107. According to an earlier probation report, the defendant had worked for Lynn Starr Productions from March, 1990 until his arrest in September, 1990, earning \$300 gross pay each week. Before that time, his mother had provided for his financial support.

Financial Condition: Ability to Pay

108. During the presentence interview, the defendant reported that he had no assets, no liabilities and no income.
109. Based on the defendant's financial profile, he appears to be unable to pay a fine.

PART D. SENTENCING OPTIONS

Custody

110. Statutory Provisions:

Count 1: The maximum term of imprisonment is life. 18 USC 1963.

EXHIBIT. T

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

RONALD EDWARD TUCKER,

Petitioner,

- against -

UNITED STATES OF AMERICA,

Respondent.

----- X

MEMORANDUM AND ORDER

98 CV 5322 (RJD)

Ronald Tucker petitions to vacate his conviction and sentence pursuant to 28 U.S.C. § 2255. The request for a hearing is denied. The petition is dismissed.

Petitioner, along with several co-defendants, was convicted after a lengthy trial of racketeering and related drug charges. His conviction was affirmed on appeal. United States v. Miller, 116 F.3d 641 (2d Cir. 1997), cert. denied, 118 S.Ct. 2063 (1998). An informative and accurate summary of the prosecution's evidence is found in the government's Response in Opposition to Petitioner's Section 2255 Petition, dated May 14, 1999.

Petitioner, pro se, charges for the first time government misconduct in connection with his pretrial motion for severance. The issue of severance was raised on appeal and the Circuit panel unanimously concluded that this Court had properly exercised its discretion in denying the relief requested. Petitioner now complains that the government misled the Court in its letter of opposition to the severance motion when it characterized him as a violent member of the Supreme Team.

As an initial matter, petitioner is untimely. He makes no attempt to explain why the accusation was not made earlier and, most certainly, cannot demonstrate resulting prejudice. In

EXHIBIT. T

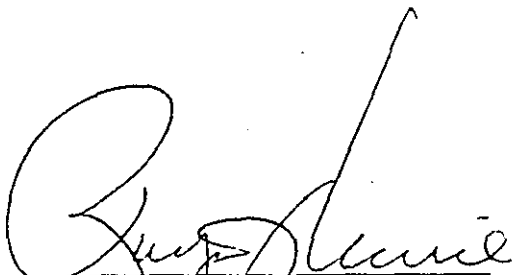
surprising decision in U.S. v. Singleton, 144 F.3d 1343 (10th Cir. 1998), that the anti-gratuity statute applies to the government in the prosecution of criminal offenses. The Tenth Circuit reversed its position en banc. United States v. Singleton, 165 F.3d 1297 (10th Cir. 1999), cert. denied, 119 S.Ct. 2371. Adopting the reasoning of that opinion, the Second Circuit recently held that 18 U.S.C. § 201(c)(2) does not apply to the United States or to any Assistant United States Attorney acting within his or her official capacity. United States v. Stephenson, 183 F.3d 110, 118 (2d Cir 1999). No one can seriously argue that trial counsel's "failure" to make a Singleton claim fell below an objective standard of reasonableness.

Petitioner attacks appellate counsel as well. He greets the arguably misguided leniency of this Court by complaining that counsel failed to argue on appeal that the Court did not consider §5G 1.3(b) of the Sentencing Guidelines. As the government adequately points out in its response, the factual basis for the claim is unsupported in the record. More notably, it is clear beyond any doubt that counsel's and petitioner's decision not to appeal the issue was a prudent and well advised tactical decision easily made in an effort to preserve the significant sentencing consideration provided by the Court.

The petition is dismissed.

SO ORDERED.

Dated: Brooklyn, New York
October 8, 1999.



RAYMOND J. DEARIE
United States District Judge

Memo

EXHIBIT. U

To: Honorable *Dea Ric*
United States District Judge

From: *Liz Vasquez*
Appeals Clerk

Case Number: *98cv5322*

Date: *12/21/99*

Attached please find:

- ☐ Motion for leave to appeal in forma pauperis.
- ☐ Notice of Appeal with no ruling on in forma pauperis status.
- ☒ Motion for a Certificate of Appealability.
- ☐ Notice of Appeal with no request nor ruling for a Certificate of Appealability.
- ☐ Motion for extension of time to file the Notice of Appeal.
- ☐ Motion for the Assignment of Counsel.
- ☐ Motion for Reconsideration.

U.S. DISTRICT COURT
EASTERN DISTRICT
OF VIRGINIA

1999 DEC 30 A 10:59

To: Appeals Clerk

☐ In Forma Pauperis on appeal is

☐ Granted

☐ Denied

☒ Certificate of Appealability is

☐ Granted

☒ Denied

☐ Other:

[Signature]
United States District Judge

Dated: *12/27/99*

(15)